

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gregg, et al.

Date: January 17, 2005

Serial No.:

09/839,483

Group Art Unit: 2126

Filed:

April 20, 2001

Confirmation No.: 2588

For:

METHOD AND APPARATUS FOR

Examiner: V. Nguyen

fc: 1455

ALLOCATING USE OF AN ACCESS DEVICE BETWEEN HOST AND GUEST

OPERATING SYSTEMS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705)

1. This request for reconsideration of the patent term adjustment indicated in the Notice of Allowance mailed on December 7, 2005.

 $\overline{|X|}$ The issue fee is being paid as set forth in the papers attached hereto.

2. Statement of the Correct Patent Term Adjustment: Basis(es) Under § 1.702 For the Adjustment." (37 C.F.R. § 1.705(b)(2)(i) and (ii))

Applicants filed the above-identified application on 4/20/2001. The USPTO mailed a first Office Action on 4/21/2004. This mailing date was 671 days longer than the 14 month deadline.

03/03/2005 RMEBRAH1 00000178 090465 09839483

01 FC:1455 200.00 DA

Docket No.: ROC920000334US1

Serial No.: 09/839,483

- 1 -

_	any patent granted on this application (37 C.F.R. § 1.705(b)(2)(iii)): is not subject to a terminal disclaimer.				
	is subject to a terminal disclaimer, and the expiration date specified in the				
	terminal disclaimer is				
4. A	As to circumstances during the prosecution of this application constituting a				
failure to	engage in reasonable efforts to conclude processing or examination of this				
application	on as set forth in § 1.704 (37 C.F.R. § 1.705(b)(2)(iv)):				
	there were none (37 C.F.R. §1.705(b)(2)(iv)(B)).				
[2	these were as follows (37 C.F.R. § 1.705 (b)(2)(iv)(A)):				
The USP	TO issued a first Office Action on 4/21/2004. Applicants responded to this				
office action on 7/23/2004 (see Attachment A). The filing date of this response is					
incorrect	ely listed in the attached PAIR history as 8/23/2004 (See Attachment B).				
	ngly, Applicants respectively submit that the correct adjustment under § 1.704 is				
<u>2</u> days.	-g-y,pp				
<u>Z</u> days.					
5. A	Also attached hereto is a "Request For Reinstatement for All and/or Part of				
the Perio	od of Adjustment Reduced Pursuant to § 1.704(b) Part C." (37 C.F.R. §				
1.705(c)					

ROC920000334US1 09/839,483 Docket No.:

Serial No.:

6. The fee set forth in § 1.18(e) (\$200.00), a	required by 37 C.F.R. § 1.705(b)(1), is
paid as follows:	
Attached is a check money order in	the amount of \$
Authorization is hereby made to charge the a	mount of \$ <u>200.00</u> .
X to Deposit Account No. <u>09-0465</u>	
to Credit card as shown on the attached credi	t card information authorization form
PTO-2038.	
Charge any additional fees required by this p	aper or credit any overpayment in the
manner authorized above.	
A duplicate of his paper is attached.	
Date: January 17, 2005	Respectfully submitted,
	By Grant A. Johnson Registration No.: 42,696 From: Grant A. Johnson IBM Corporation
	Intellectual Property Law Dept. 917, Bldg. 006-1 3605 Highway 52 North Rochester, MN 55901

Docket No.: ROC920000334US1

Serial No.: 09/839,483

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(507) 253-4660 (507) 253-2382



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PATENT APPLICATION INFORMATION RETRIEVAL



Patent Term Adjustment (PTA) for publication number: 09/839,483							
			Days				
Filing or 371(c) Date:	04-20-2001	USPTO Delay (PTO):	671				
Issue Date of Patent:	-	Three Years:	-				
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	33				
Post-Issue Petitions (days):	+0	Total PTA:	638				
USPTO Adjustment (days):	+0	Explanation of Calculations					

Search Options

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File History						
Published Document	s					

	Patent Term Adjustment History		
Date	Contents Description	PTO (days)	APPL (days)
	Mail Notice of Allowance		
12-07-2004	Mail Examiner's Amendment		
	Issue Revision Completed		
	Examiner's Amendment Communication		
	Notice of Allowance Data Verification Completed		
	Notice of Allowability		
	IFW TSS Processing by Tech Center Complete		
	Date Forwarded to Examiner		
08-23-2004	Response after Non-Final Action		33
07-23-2004	Request for Extension of Time - Granted		1
07-23-2004	Request for Extension of Time - Granted		1
07-23-2004	Workflow incoming petition IFW		1
07-23-2004	Workflow incoming amendment IFW		1
04-21-2004	Mail Non-Final Rejection	671	1
04-19-2004	Non-Final Rejection	1	
09-26-2003	Case Docketed to Examiner in GAU	1	
07-03-2003	Case Docketed to Examiner in GAU	1	
02-25-2003	Case Docketed to Examiner in GAU	1	
04-16-2002	Case Docketed to Examiner in GAU	1	
06-13-2001	Application Dispatched from OIPE	1	
06-13-2001	Correspondence Address Change	1	
05-04-2001	IFW Scan & PACR Auto Security Review	1	
04-20-2001	Initial Exam Team nn	1	



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In re Application of:

Gregg et al.

Serial No.: 09/839,483

Confirmation No.: 2588

Filed:

April 20, 2001

For: Method and **Apparatus**

Allocating Use of An Access Device Between Host and Guest

Operating Systems

Group Art Unit: 2126

Examiner:

Nguyen, V.

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF FAX 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office to fax number 703/872-9306 to the attention of Examiner Van Nguyen on the date below:

July 23, 2004

Gero G. McClellan

RESPONSE TO OFFICE ACTION DATED APRIL 21, 2004.

In response to the Office Action dated April 21, 2004, having a shortened statutory period for response set to expire on July 21, 2004, please enter this response and reconsider the claims pending in the application for reasons discussed below. The Commissioner is hereby authorized to charge counsel's Deposit Account No. 09-0465, the fee of \$18.00 for the addition of one (1) dependent claim, and for any fees required to make this response timely and acceptable to the Office.

Amendments to the Specification begin on page 2 of this paper. Amendments to the Claims are reflected in the listing of claims which begins on page 5 of this paper. Remarks/Arguments begin on page 15 of this paper.